



## INTRODUCTION

Each regulatory agency of California government hears from those trades or industries it respectively affects. Usually organized through various trade associations, professional lobbyists regularly formulate positions, draft legislation and proposed rules, and provide information as part of an ongoing agency relationship. These groups usually focus on the particular agency overseeing a major aspect of their business. The current activities of these groups are reviewed as a part of the summary discussion of each agency, *infra*.

There are, in addition, a number of organizations which do not represent a profit-stake interest in regulatory policies. These organizations advocate more diffuse interests—the taxpayer, small business owner, consumer, environment, future. The growth of regulatory government has led some of these latter groups to become advocates before the regulatory agencies of California, often before more than one agency and usually on a sporadic basis.

Public interest organizations vary in ideology from the Pacific Legal Foundation to Campaign California. What follows are brief descriptions of the current projects of these separate and diverse groups. The staff of the Center for Public Interest Law has surveyed approximately 200 such groups in California, directly contacting most of them. The following brief descriptions are only intended to summarize their activities and plans with respect to the various regulatory agencies in California.

## ACCESS TO JUSTICE FOUNDATION

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Los Angeles, CA 90010  
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Access to Justice Foundation (AJF) is a nonprofit, nonpartisan citizen advocacy organization established to inform

the public about the operation of the legal system; provide independent, objective research on the protection accorded citizens by laws; and guarantee citizens of California access to a fair and efficient system of justice.

In 1988, AJF and its campaign committee—the Voter Revolt to Cut Insurance Rates—sponsored and qualified Proposition 103, the only one of four competing insurance reform initiatives approved by the electorate in the November 1988 election.

AJF publishes a bimonthly report, *Citizens Alliance*, on citizens' rights issues and actions at the local, state, and federal levels. Legislative, judicial, and administrative activities which impact on the public justice system and the exercise of citizens' rights are a major focus of the organization's research and educational activities. AJF is funded by grants and individual memberships.

## MAJOR PROJECTS:

On December 19, Voter Revolt unveiled a new initiative which could, if approved, force private insurers out of California, replacing them with a state-run insurance system. The measure, known as the "Proposition 103 Enforcement Act," would impose the following requirements:

(1) In September 1992, the Insurance Commissioner must certify that private auto insurance prices are in compliance with Proposition 103 (rates are at least 20% below 1987 levels, adjusted for inflation) and that the number of uninsured motorists in the state is under 15% of the total;

(2) If either of those conditions is not met, a nonprofit California Insurance Corporation (CIC) would be established; private insurers would be barred from selling policies in California; and

(3) When registering their cars each year, state residents would be required to purchase the state insurance through the CIC.

To qualify for the November 1990 ballot, Voter Revolt must collect 595,000 valid signatures by May 18. The new nonprofit insurance system would be run by a board of directors appointed by the Insurance Commissioner. A small claims court for auto cases would be established to settle insurance claims under \$15,000 without lawyers. Attorneys' fees—both plaintiff and defense—would be strictly limited in cases not handled by the auto claims court.

On November 9, one year after Voter

Revolt's Proposition 103 was approved by voters, consumer advocate Ralph Nader admonished Insurance Commissioner Roxani Gillespie and Governor Deukmejian for repeatedly attempting to "sabotage and undermine" Proposition 103 and insurance reform. He again called for Gillespie to resign her post. Nader said the stonewalling and foot-dragging by Gillespie and Deukmejian on proper implementation of Proposition 103's reforms has fueled consumer outrage. He predicted the insurance issue will have a major influence on the outcome of statewide elections next year.

On December 5, as a result of hearings prompted by a September lawsuit filed by Voter Revolt and the Center for Public Interest Law (CPIL), Commissioner Gillespie issued emergency regulations specifying 22 optional rating criteria which may be used in setting auto rates, in addition to three criteria specified in Proposition 103. (See *infra* report on CENTER FOR PUBLIC INTEREST LAW and CRLR Vol. 9, No. 4 (Fall 1989) pp. 12-13 for background information.) However, the Commissioner then stayed implementation of those regulations until at least February 28, due to the filing of several lawsuits by the insurance industry challenging the validity of the regulations. The Commissioner's so-called "peace treaty" and the continuing delay in the now year-old implementation of Proposition 103 was harshly criticized by Voter Revolt and CPIL.

In December, Voter Revolt mailed its holiday fundraising appeal, which rhetorically asked Commissioner Gillespie: "Where are our auto insurance rebates?" The letter accused the insurance industry of defying the law and of seeking revenge on consumers for voting for Proposition 103 by using intimidation and coercion. According to Voter Revolt, polls show that more people now support Proposition 103 than voted for it on election day in 1988.

In early December, the Secretary of State announced that Voter Revolt's "split roll" tax initiative failed to qualify for the June 1990 ballot. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 10 for background information.) According to Voter Revolt, more than 840,000 signatures were submitted by October 30, but the Secretary of State reported a random sampling indicated a shortfall of over 50,000 valid signatures. Voter Revolt said it would try to qualify the initiative again in 1992. The measure would have granted major property tax breaks to



homeowners while doubling business property taxes. It would have allocated a large portion of revenues from collection of new business taxes to finance a state program for affordable housing and housing aid for the homeless. The California Chamber of Commerce had been raising funds for several months to oppose the initiative if it qualified for the ballot, pledging to spend at least \$18 million to defeat it.

#### AMERICAN LUNG ASSOCIATION OF CALIFORNIA

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The American Lung Association of California (ALAC) emphasizes the prevention and control of lung disease and the associated effects of air pollution. Any respiratory care legislative bill is of major concern. Similarly, the Association is concerned with the actions of the Air Resources Board and therefore monitors and testifies before that Board. The Association has extended the scope of its concerns to encompass a wider range of issues pertaining to public health and environmental toxics generally.

#### MAJOR PROJECTS:

In December, the San Diego and Imperial County chapters of the American Lung Association observed California Lung Awareness Month by offering a free "Living Better with Lung Disease" packet. The material was made available to thousands of people with asthma, emphysema, bronchitis, lung cancer, and other lung diseases. The packet included a collection of booklets providing tips on how to cope with lung disease. The Lung Association also sponsors Better Breathers Clubs, which offer health education and a group support network for those with lung disease. The Association says that approximately 40-50% of all men and 30% of all women over the age of 65 have a chronic breathing problem.

ALAC and the Santa Monica-based Coalition for Clean Air are monitoring implementation of a comprehensive eighteen-year smog control plan for the Los Angeles air basin approved in August by the state Air Resources Board (ARB). (See CRLR Vol. 9, No. 4 (Fall 1989) p. 107 for background infor-

mation.) ALAC spokesperson Gladys Meade said of the ARB action, "We're delighted...now the real work begins—implementing the provisions of the plan." The proposal is not binding on local governments until it is approved by the federal Environmental Protection Agency, which has agreed to submit its comments by April.

The proposal is aimed at bringing Los Angeles into compliance with federal clean air standards by 2007. First-phase provisions are designed to reduce ozone pollution up to 70% by the turn of the century. The South Coast Air Quality Management District estimates implementation will cost approximately \$2.8 billion in each of the first five years. The plan commits the state to develop regulations for cleaner-running vehicles, more electric cars, increased ride-sharing, and development of cleaner fuels. Vehicular emissions account for 52% of the region's air pollution, according to experts. The plan's 120-odd provisions seek to reduce emissions from refineries, power plants, aircraft, ships, and construction equipment, and pollution from industrial chemicals—including those emitted by furniture manufacturers, dry cleaners, bakeries, and even backyard barbecues.

#### NATIONAL AUDUBON SOCIETY

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The National Audubon Society (NAS) has two priorities: the conservation of wildlife, including endangered species, and the conservation and wise use of water. The society works to establish and protect wildlife refuges, wilderness areas, and wild and scenic rivers. To achieve these goals, the society supports measures for the abatement and prevention of all forms of environmental pollution.

#### MAJOR PROJECTS:

In the November/December 1989 *Audubon Activist*, Dave Cline, Audubon's Alaska-Hawaii regional vice-president, said that he is distressed at how little has been accomplished with the huge sums of money poured into the Exxon Valdez oil spill clean-up. "It grieves me to witness the waste of hundreds of millions of dollars on ineffective and sometimes damaging beach

clean-up efforts, public relations antics, and legal posturing by both industry and government. Little or no really meaningful and lasting environmental mitigation is taking place," he observed.

Cline has proposed establishment of an Alaska Land Trust fund to channel money paid in compensation for oil spill damages into the acquisition and preservation of important Alaska coastal wildlife habitat. Many Alaskan islands are being whittled away by logging, mining, and summer home development, Cline said. The trust would be funded by an oil industry deposit of \$1 billion along with fines levied for other oil spills.

Oil companies and the Bush administration are still clamoring to explore and drill oil in the pristine Arctic National Wildlife Refuge. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 13 and Vol. 8, No. 3 (Summer 1988) p. 19 for background information.) The industry has launched a major campaign, spending \$25,000-\$50,000 per week to send teachers and other citizens (mainly from Alaska), and legislators from around the nation, to tour its operations at Prudhoe Bay (the huge oil fields on the Arctic Circle, adjacent to the Wildlife Refuge). The oil industry and its advocates in Congress will soon begin their renewed push for legislation to open the Refuge for drilling. Audubon staff, members, and other environmental groups are working to develop a campaign to win wilderness designation for the Refuge.

The NAS television special, *Ancient Forests: Rage Over Trees*, was aired four times in September and October on the Turner Broadcasting System (TBS), despite withdrawal of a number of sponsors who had been threatened by the timber industry. Logging companies threatened to mount national boycotts of the program's major sponsor, Stroh Brewery, and other financial underwriters including Citicorp, Ford, Michelin, New York Life, and Sears. Ted Turner of TBS agreed to air the program with public service announcements instead of paid commercials, which meant a loss to his network of more than \$250,000.

In October, environmentalists fended off a disastrous amendment by Oregon Senator Mark Hatfield to the Interior Department's appropriations bill, which would have severely limited citizens' rights to challenge the cutting of old-growth forests in the courts. A settlement will allow limited citizens' legal action, but also permits the logging of



another 120,000 acres of ancient forest this fiscal year. But for the first time, according to Audubon, public agencies were directed to "minimize fragmentation" of the remaining old-growth trees, and to conduct timber sales and logging operations so as to protect spotted owl habitat.

Audubon vice-president Brock Evans said NAS will advocate legislation in Congress next session that will demand permanent protection for two to three million acres of the most significant old-growth stands in Washington and Oregon, and reformed forestry practices that protect the essential components and biodiversity of the forest ecosystem. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 13-14 and Vol. 9, No. 3 (Summer 1989) p. 11 for background information.)

James Cason, President Bush's nominee for Assistant Secretary of Agriculture for Natural Resources and the Environment, withdrew his name from consideration in November. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 14 for background information.) Under fire from major environmental groups and members of Congress, the Senate returned the nomination to the White House with a request that it not be resubmitted.

## BERKELEY LAW FOUNDATION

*Boalt Hall School of Law, Rm. 1E  
University of California  
Berkeley, CA 94720  
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The Berkeley Law Foundation (BLF) is an income-sharing organization of Boalt law students and faculty which provides funding to public interest law projects. BLF is an "attempt to institutionalize financial, moral and directional support for public interest work within the legal profession, thereby avoiding dependence on outside foundations or governmental largesse."

BLF is a nonprofit corporation governed by a seventeen-member Board of Directors elected directly by the membership. The Board includes attorneys in both public and private practice, community representatives and law school faculty members, as well as members of the Foundation.

Foundation grants are designed to provide subsistence support and start-up funding for recently-trained attorneys committed to public interest work. BLF also provides a summer grants program

to help law students undertake summer projects under the auspices of a sponsoring public interest organization.

## MAJOR PROJECTS:

In October, BLF released its 1990 grant funding guidelines and its announcement soliciting grant proposals for projects in public interest law. The announcement was directed at third-year law students and recent law graduates. According to BLF's announcement, recent grants have supported work on projects relating to welfare, homelessness, and AIDS assistance. Grants are for the term of one year and proposals were due by February 1; final grant award decisions will be made by April 15. The maximum grant award is \$25,000.

## CALIFORNIA CONSUMER AFFAIRS ASSOCIATION

*c/o David Ball,  
Consumer Protection Division  
Office of District Attorney  
Room 183, Hall of Justice  
San Rafael, CA 94903  
(415) 499-6482*

California Consumer Affairs Association (CCAA) is a statewide affiliation of local consumer protection agencies. The Association was founded in 1974 to establish and facilitate an avenue of communication among agencies concerned with the protection of consumers. CCAA actively represents the interests of California consumers in legislative and regulatory arenas. It serves its members and the public by providing workshops, training sessions, and forums, and by preparing and publishing educational materials and legislative summaries. Member groups provide their constituencies with counseling, information, and informal mediation services when marketplace transactions result in disputes. Some member agencies act as small claims court advisors.

Membership in CCAA is open to federal, state, and local agencies which are primarily funded by the government, with a mandate of consumer protection and/or assistance. Nonprofit organizations devoted to consumerism may also be eligible for membership. In addition, CCAA membership includes representatives of federal, state, and local law enforcement entities. Association struc-

ture is divided into northern and southern California divisions. CCAA convenes annually to involve members in setting goals and policies and to elect new officers. An executive committee composed of a vice president from each division and other CCAA officers ensures coordination.

## MAJOR PROJECTS:

CCAA's annual conference was held on November 2 and 3 in Los Gatos. Welcoming speakers were Karen Foss, Director of Public Services of Santa Clara County, and Mark B. Hames, Economic Crimes Group Manager of the Santa Clara County District Attorney's Office. Richard Elbrecht, Supervising Counsel of the state Department of Consumer Affairs, and Jean Stott, Small Claims Advisor for the City/County of San Francisco, spoke on enforcement of judgments and small claims. During the conference, a meeting of the Small Claims Advisors Association (SCAA) was convened, as well as a joint meeting of CCAA and the SCAA. The attendees discussed expansion of CCAA membership and possible changes in the organization's bylaws.

## CALIFORNIA PUBLIC INTEREST RESEARCH GROUP

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CalPIRG is a nonprofit statewide organization founded and primarily staffed by students from several California universities. It is the largest student-funded organization of its kind in the state. There are CalPIRG chapters on four campuses of the University of California.

## MAJOR PROJECTS:

According to a nationwide survey by the Public Interest Research Groups (PIRG), childhood deaths and injuries resulting from all-terrain vehicle (ATV) accidents are likely to continue, in spite of a recent court order restricting sales of most ATVs for use by children under 16 years of age. The report, *ATVs and Children: Still at Risk*, found that over one-half of the 215 ATV dealers surveyed (54%) were willing to sell an adult-sized ATV for use by ten-year-olds, in direct violation of age restrictions agreed to in a consent decree



between ATV manufacturers and the government. The five major ATV manufacturers are Honda, Kawasaki, Suzuki, Yamaha, and Polaris.

The U.S. Consumer Product Safety Commission (CPSC) has determined that children under the age of 16 cannot operate an adult-sized ATV safely, yet 75% of dealers told PIRG surveyors that it would not be difficult for ten-year-olds to learn to drive ATVs. CPSC reported that in 1988, ATV-caused accidents resulted in an estimated 25 deaths and 5,000 emergency room-treated injuries per month. Approximately 40% of the deaths and injuries involved children under the age of 16, and 20% of the deaths involved children under the age of 12.

The PIRG report on ATVs made the following recommendations: (1) ATV dealers and manufacturers should be legally bound by age restrictions and other measures designed to protect the public; (2) government enforcement and education on the consent decree should be expanded with allocation of sufficient resources; (3) state and local laws should be enacted prohibiting children under the age of 16 from riding adult-sized ATVs, and to require training, licensing, and use of protective gear for all ATV riders; and (4) the consent decree should be strengthened by making refunds available to ATV owners who purchased the vehicles in the erroneous belief that they are safe for younger children.

In October, CalPIRG and other environmental groups attacked California Department of Food and Agriculture (CDFA) Director Henry J. Voss for ignoring scientific evidence of the danger of the pesticide aldicarb. Voss said he will continue to permit use of the controversial chemical. CalPIRG spokesperson David Bunn emphasized that Voss's decision illustrates the need to shift the state's regulation of the health aspects of pesticides from CDFA to the state Department of Health Services. Bunn observed that Voss was president of the California Farm Bureau Federation before being appointed by the Governor last April to head CDFA. Environmentalists cited studies indicating that aldicarb threatens the state's underground water supplies by migrating through the earth into the water table and wells, and that the chemical persists for approximately three years. In 1985, aldicarb was applied illegally to some of the watermelon crop, causing about

1,000 cases of poisoning.

In early December, San Diego CalPIRG announced a list of twelve toys it considers dangerous to small children, asking that the items be removed from store shelves. CalPIRG said the toys may appear cute and lovable, but have deadly potential because of small parts that can disconnect, be swallowed by, or choke a child, and cords or ribbons that could cause strangulation. CalPIRG cited estimates that 140,000 U.S. children per year suffer serious injuries from unsafe toys.

In early December, San Diego CalPIRG announced that 21 San Diego area credit unions together donated \$55,000 to San Diego CalPIRG's Consumer Education Program. Last summer, the San Diego City Council deleted funding for CalPIRG's consumer programs from the city budget. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 15 for background information.) The most valuable service of the Consumer Education Program is its periodic surveys on food prices and price comparisons on other services. The program also operates a consumer hotline and publishes a monthly newsletter called *CalPIRG Reports*.

The credit unions' funding will keep the consumer program in operation for one year. A vice president of Mission Federal Credit Union said the consortium of credit unions funded the CalPIRG project because it is a "proven, trusted monitor of services and issues important to San Diego residents." The credit unions will contribute based on each institution's assets. CalPIRG said it will keep trying to persuade the City Council to renew its support for the consumer program. The group will not use the credit union funding for an upcoming survey of banking services, for obvious conflict of interest reasons.

**CALIFORNIANS AGAINST WASTE**  
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In 1977, Californians Against Waste (CAW) was formed to advocate for a recycling bill in the legislature which would require a minimum refundable deposit of five cents on beer and soft drink containers. After being repeatedly thwarted legislatively by well-financed industry opponents, CAW sponsored

and organized a coalition for a statewide citizen initiative which appeared on the ballot in 1982 as Proposition 11. That measure failed after can and bottle manufacturers and their allies raised and spent \$6 million to defeat it. CAW worked for passage in 1986 of AB 2020 (Margolin), the "bottle bill" which in its final compromise form established a redemption value of one cent per container. In the 1989 legislative session, SB 1221 (Hart) was approved and signed into law, updating AB 2020. As of January 1990, SB 1221 provides that all glass and aluminum beverage containers carry a redemption value of five cents for every two containers returned. Two-liter plastic bottles have a value of five cents each. If 65% of these containers are not being recycled by 1993, glass and aluminum containers will bring a nickel each, and 24-ounce or larger containers will be worth ten cents.

#### MAJOR PROJECTS:

In November, CAW reported to its members that it achieved major recycling victories in the 1989 legislative session with the passage and signing into law of ten CAW-backed bills. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 16 for background information.) The group also announced the kick-off of its newest effort—the "Throwaway Packaging Reduction and Recycling Campaign." According to CAW, litter and the environmental destruction caused by the "use-it-once-and-throw-it-away" aspect of modern-day products and packaging is a very serious problem; more than one-third of all solid waste is from containers and packaging materials. The average Californian, who generates approximately 2,550 pounds of trash each year, uses and discards more than 850 pounds of packaging annually. Paper products make up the largest percentage of packaging material, but plastic and polystyrene are the fastest-growing packaging materials. Polystyrene foam litter has increased 61% since 1980. Excessive packaging made with new or "virgin" materials creates ten times as much air, water, and toxic pollution, uses twice as much energy, creates fewer jobs, and wastes important resources for the future.

CAW's Throwaway Packaging Reduction and Recycling Campaign seeks to eliminate the overuse of materials in packaging and products, and require that these materials be recyclable. A major focus of the campaign



will be to research and develop policy solutions to reduce throwaway packaging, increase public awareness of the problem, and persuade businesses to use up to 50% recyclable materials for packaging. CAW will lobby aggressively for specific legislation to counter the packaging problem. Possible approaches to be explored include a ban on the use of some problem materials which cannot be recycled; the creation of a financial incentive system that will increase recycling of packaging; expansion of the bottle bill law to provide refunds for recycling wine jugs, liquor bottles, juice bottles, milk cartons, and other containers; and the imposition of a fee on businesses which do not meet the goal of recycling 50% of packaging materials. CAW's aim is to achieve 50% recycling of trash throughout the state by 2000. Currently, the rate of recycling in the state is only 10%.

In November, CAW's Political Action Committee (CAW-PAC) endorsed and organized volunteers and fundraising for fourth-term Assemblymember Lucy Killea's campaign for the 39th District State Senate special election held on December 5. Moderate Democrat Killea ran for the seat in a predominantly Republican district after Senator Larry Stirling resigned the job when he was appointed a San Diego Municipal Court judge by the Governor. Killea's opponent was first-term conservative Republican Assemblymember Carol Bentley. Killea narrowly won the race by barely one percentage point.

In a letter sent to contributors and supporters, CAW-PAC called Killea one of only "a few special individuals" whose political campaigns it would assist. The letter noted that 1989 was a banner year for the recycling efforts of CAW, and credited Assemblymember Killea with being the catalyst for the dramatic shift in the state policy on recycling. "Assemblymember Lucy Killea was the first to call for the recycling of 50% of solid waste....The goals outlined in her AB 3298 in 1988 became the centerpiece of this year's successful recycling legislative package. She was the first to call on newspaper publishers to use recycled paper...and her AB 1305, signed into law in September, is a model for the nation. Her active support of CAW recycling legislation has resulted in a fundamental change in the way California views waste and resources." The endorsement letter went on to say that Killea has consistently achieved a

100% voting record on environmental issues.

## CAMPAIGN CALIFORNIA

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In July 1986, the Campaign for Economic Democracy (founded in 1977) became Campaign California (CamCal). The 100,000-member/contributor organization, with offices in Sacramento, San Jose, San Francisco, and Santa Monica, continues as the largest progressive citizens action group in the state. Each office of the organization operates a door-to-door and telephone canvass, providing direct contact with voters regarding issues; facilitating fundraising and signature collection drives; and resulting in registration of new voters.

Campaign California supports efforts to frame workable, progressive solutions to problems in the areas of child care, education, environment, transportation, personal safety, insurance, and health care. It targets the private entrepreneur as a source of economic growth, jobs, and innovation.

## MAJOR PROJECTS:

In October, CamCal, other leading environmental organizations, and Attorney General John Van de Kamp unveiled the most comprehensive environmental initiative ever proposed in California. Van de Kamp called on the entire environmental community to "join forces—all of us, without regard to party or politics—in a united effort to put before the people the most far-reaching environmental clean-up initiative in the history of this state." The measure—officially the Environmental Protection Initiative of 1990 but now dubbed "Big Green"—must obtain at least 500,000 valid voter signatures by late April in order to qualify for the November 1990 ballot. Secretary of State March Fong Eu approved the measure for signature-gathering on November 29. The initiative includes the following elements:

-All pesticides and herbicides known to cause cancer or reproductive harm must be phased out by 1996.

-The state must create an oil spill prevention and clean-up fund and stop the discharge of dangerous toxins into

the ocean through sewage and storm drain runoff.

-The state must develop a plan to reduce emissions of gases that contribute to global warming and destruction of the earth's ozone layer, including carbon dioxide and chlorofluorocarbons.

-An elected office of "Environmental Advocate" would be created to enforce all laws of the state of California relating to environmental protection and public health.

-Developers would have to plant one tree for every 500 square feet of new development, and a \$200 million state fund would be established to purchase the last remaining 1,000-year-old redwood trees.

Other supporters of the initiative are Assemblymembers Lloyd Connelly and Tom Hayden, the California League of Conservation Voters, Citizens for a Better Environment, National Toxics Campaign, Natural Resources Defense Council, and the Sierra Club.

## CENTER FOR LAW IN THE PUBLIC INTEREST

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The Center for Law in the Public Interest (CLIP), founded in 1971, provides public interest law services. Some legal services for the Center are provided by the law firm of Hall and Phillips, while a number of legal cases are handled on a contract basis by outside attorneys. The Center's major focus is litigation in the areas of environmental protection, civil rights and liberties, corporate reform, arms control, communications and land use planning.

## MAJOR PROJECTS:

As a result of the recent settlement of a CLIP lawsuit against Allied Sysco Food Company in the Bay Area, the firm has promised to change the way it treats female job applicants. Prior to the suit, the company employed virtually no women in its mostly warehouse and truck driver jobs. The agreement establishes an affirmative action program requiring Allied to hire at least 30% women over the next seven years. It includes bonus programs whereby workers can receive several hundred dollars for successfully referring qualified female job applicants; department man-



agers will earn an extra \$1,000-\$3,000 per year when they meet the 30% hiring goal. The company has also agreed to set up a \$775,000 fund for women who were unfairly refused jobs or deterred from applying.

CLIPi is providing counsel to the Sierra Club and the Las Virgenes Homeowners Federation in a lawsuit challenging the Los Angeles County Board of Supervisors' approval of a 150-home development project on a portion of the former Paramount Ranch near Agoura. Paramount Studios used the ranch as a rolling, oak-studded grassland backdrop for movies made in the 1920s, '30s, and '40s. The 320-acre plot in dispute lies adjacent to a 436-acre parcel of the former ranch, which was purchased by the National Park Service and is now part of the Santa Monica Mountains National Recreation Area.

Las Virgenes Homeowners Federation asserts that the two adjoining parcels are part of the same valley, and seeks to join the private land with the public parkland. The Federation insists that development of the private land will ruin the natural setting of the adjacent park. The land is a top priority for purchase by the Park Service and several million dollars had been allocated to buy the parcel. Last May, however, the landowner and a developer persuaded the Board of Supervisors to upzone the land for construction of 159 luxury homes, which caused the value of the land to skyrocket and put it out of the reach of the Park Service's budget.

The lawsuit challenges the Board's action based on a faulty environmental impact statement (EIR) report prepared for the project. The California Environmental Quality Act (CEQA) requires that an EIR include discussion of alternative uses of property, but the report on this land barely mentions the obvious park use. According to CLIPi's clients, the EIR also does not deal adequately with considerations such as potential flooding, wildfires, and traffic congestion. They believe the former Paramount Ranch qualifies as a rural historic district or cultural landscape under the guidelines of the National Register of Historic Places because of its historic value as part of the movie industry's early years.

In a recent out-of-court settlement of a 1983 suit filed by CLIPi on behalf of the Orange County Renters Association, the Orange County Board of Supervisors agreed to spend \$7.7 million over

the next five years to build affordable housing for sale or rental. The amount is in addition to funds for affordable housing in the County's current general plan housing element. The Association is pleased with the settlement, which will fund 650 low-income units; up to 150 of them will be reserved for very low-income residents. The Association estimates that at least 10,000 people in the unincorporated areas of Orange County qualify for low-income housing assistance.

#### CENTER FOR PUBLIC INTEREST LAW

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The Center for Public Interest Law (CPIL) was formed in 1980 after approval by the faculty of the University of San Diego School of Law. The faculty selected Robert C. Fellmeth, a law faculty professor, as the Center's director. CPIL is funded by the University and private foundation grants.

The Center is run by ten staff members out of three offices—San Diego, Sacramento, and San Francisco. Each year, approximately forty law students participate for academic credit as CPIL interns. Students in the Center attend courses in regulated industries, administrative law, environmental law, and consumer law, and attend meetings and monitor activities of assigned agencies. Each student also contributes quarterly agency updates to the *California Regulatory Law Reporter*. After several months, the students choose clinic projects involving active participation in rulemaking, litigation, or writing.

The Center is attempting to make the regulatory functions of state government more efficient and more visible by serving as a public monitor of state regulatory agencies. The Center studies approximately sixty agencies, including most boards, commissions and departments with entry control, rate regulation, or related regulatory powers over businesses, trades, and professions.

#### MAJOR PROJECTS:

CPIL has remained active in the struggle to compel the state Department of Insurance to properly implement Proposition 103, the insurance reform initiative passed by the voters in

November 1988. As attorney for Proposition 103 sponsor Voter Revolt, CPIL filed a lawsuit in September which resulted in a freeze on auto insurance rates and the commencement of two regulatory proceedings: a rulemaking proceeding intended to result in new auto rating criteria, and a generic adjudicatory hearing to develop methodology for reviewing and approving insurance rates, including accounting and rate of return methodology. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 17-18 and Vol. 9, No. 3 (Summer 1989) pp. 15 and 86-87 for background information.)

On December 5, Insurance Commissioner Roxani Gillespie announced DOI's new auto rating regulations, which include 22 "optional factors" which may be considered in setting an individual premium rate. However, four insurance companies filed identical lawsuits in three different courts challenging the regulations. Under heavy pressure from the industry and against strong opposition from CPIL, Voter Revolt, and other consumer advocates, the Commissioner gave in and agreed to stay the effective date of the Department's new rules until at least February 28, in exchange for the industry's agreement to stay their lawsuits and abide by the existing freeze. (See reports on ACCESS TO JUSTICE FOUNDATION and DEPARTMENT OF INSURANCE for further information.)

*Le Bup Thi Dao v. Board of Medical Quality Assurance*, CPIL's lawsuit on behalf of Vietnamese refugee physicians who were denied licenses by BMQA (now the Medical Board of California) for a two-year period, has been the subject of much recent activity. On December 11, the First District Court of Appeal heard oral argument on the parties' petitions for review: BMQA challenged the trial court's ruling that it is subject to suit under section 1981 of the federal civil rights act; and CPIL challenged the trial court's ruling that the individual defendants (BMQA members and staff) are immune from liability. On January 5, the First District reversed both rulings, holding that BMQA is immune from suit under section 1981 of the civil rights statute, but that the individual defendants are subject to liability. Both sides immediately petitioned for rehearing. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 18 and Vol. 7, No. 4 (Fall 1987) p. 17 for background information.)

CPIL has filed an *amicus curiae* brief



on behalf of plaintiff Bonnie Moore in her appeal of *Moore v. State Board of Accountancy*, now pending in the First District Court of Appeal. (See *infra* agency report on BOARD OF ACCOUNTANCY and CRLR Vol. 9, No. 4 (Fall 1989) p. 42 for background information.) In *Moore*, the trial court upheld a Board regulation which prohibits unlicensed accountants who perform lawful accounting services from using the terms "accountant" or "accounting" to describe themselves or their services. CPIL challenges the constitutionality of the make-up of the Board—which is overwhelmingly dominated by licensed CPAs—for purposes of adopting and enforcing that regulation, which benefits licensed accountants by eliminating the ability of unlicensed competitors from advertising their services.

In spite of heavy opposition from the powerful California Medical Association, CPIL's physician discipline bill—SB 1434 (Presley)—was given new life with the December conviction of Dr. Milos Klvana, a Los Angeles-area physician, on nine counts of second-degree murder. Klvana's egregious incompetence, which had been reported to and investigated by BMQA on numerous occasions since 1982, went unchecked by the Board and was eventually responsible for the deaths of eight infants and one fetus. The conviction and the closing argument of prosecutor Brian Kelberg are consistent with CPIL's findings of serious deficiencies in the Board's physician discipline system, published in CPIL's April 1989 report *Physician Discipline in California: A Code Blue Emergency*. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 1 for a condensed version of the report.) SB 1434, which would overhaul the entire system, is pending in the Senate Appropriations Committee at this writing.

## COMMON CAUSE

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California Common Cause (CCC) is a public affairs lobbying organization dedicated to obtaining a "more open, accountable and responsive government" and "decreasing the power of special interests to affect the legislature."

## MAJOR PROJECTS:

On November 21, CCC Executive Director Walter Zelman announced his resignation effective December 1, making clear his intention to campaign for the office of state Insurance Commissioner. Zelman, who had been CCC's state Executive Director for thirteen years, said he would officially announce his candidacy in early 1990. He had been on a leave of absence from Common Cause since September 27 in order to explore the possibility of running for the state office. Upon resigning from Common Cause, Zelman immediately challenged other Democratic candidates for the commissioner's post to limit their primary election campaign spending to \$750,000, and to promise not to accept contributions from the insurance industry, trial lawyers associations, or personal injury law firms. Zelman has made campaign finance reform a major priority of California Common Cause. "Special interest control over California politics has led to stalemates in political problem-solving, leaving the state unable to resolve pressing issues," he said.

At an October 16 new conference in Sacramento, CCC endorsed the Clean Government Initiative authored by state Attorney General John Van de Kamp. The Clean Government Initiative provides comprehensive ethics reform on issues ranging from a ban on honoraria to restrictions on post-government service employment. The measure would also limit the number of terms elected officials may serve in state government; restrict campaign spending for any candidate running for state Assembly, Senate, or constitutional office; and create a system of public campaign financing. The initiative will appear on the November 1990 ballot if enough valid signatures are gathered.

When the legislature adjourned its 1989 session, the ethics packages pending in both the Senate and Assembly contained 75% of CCC's recommendations. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 18-19 for background information.) The Assembly version—AB 515 (the Select Committee on Ethics)—will be CCC's top priority in the 1990 legislative session. The Senate ethics bill, a proposed constitutional amendment, will appear as SCA 32 on the June 1990 ballot. CCC believes SCA 32 is not as detailed as AB 515 and feels it is inappropriate to burden the constitution with ethics particulars. CCC will

support SCA 32 only if the legislature has enacted into statute the statements of principle promised in the measure.

In CCC's winter newsletter, legislative advocate Ruth Holton reported that the Governor signed four CCC-supported bills into law in the fall:

-SB 1431 (Roberti) requires that any expenditure of campaign funds which has a substantial personal benefit must be directly related to a political, legislative, or governmental purpose. This is an improvement over current law, which merely requires that campaign fund expenditures have more than a negligible relationship to a political, legislative, or governmental purpose.

-SB 1530 (Roberti) requires a more detailed accounting of legislative expenditures, and the publication of the information in an annual report available to the public.

-SB 58 (Marks) imposes criminal penalties for stationing uniformed security personnel in the immediate vicinity of polling places, intimidating voters at polling places, or examining or soliciting a voter to show his/her ballot. The bill was the result of a November 1988 incident in Orange County where security guards were posted at predominantly Hispanic polling places and asking Hispanic voters for certification of citizenship.

-AB 427 (Calderon) applies many of the open meetings rules applicable to state agencies and local governments to the legislature.

Acting CCC Director Mark Haarer recently declared the current reapportionment process to be "perhaps the greatest threat to representative democracy today." Present law allows elected officials of the majority party in the legislature to redraw political boundaries; this process takes place every ten years following the census. CCC believes this practice not only allows incumbents to ensure protection from challenge, but also precludes certain populations from being fairly and adequately represented. The next redrawing of legislative and congressional districts will occur in 1991. Six proposed reapportionment initiatives are currently being circulated for signatures or considered in the legislature for the June 1990 ballot. CCC asserts that the reapportionment power should be removed from elected officials and given to an independent reapportionment commission. CCC's state board is considering two proposals which would establish such a commission for possible





endorsement or opposition.

### CONSUMER ACTION

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San Francisco Consumer Action (CA) is a nonprofit consumer advocacy and education organization formed in 1971. Most of its 2,300 members are in northern California but significant growth has taken place in southern California over the past year. CA is a multi-issue group which since 1984 has focused its work in the banking and telecommunications industries.

CA has filed petitions with and appeared before the California Public Utilities Commission (PUC) in the field of telephone rates. Statewide pricing surveys are published periodically comparing the rates of equal-access long distance companies and the prices of services offered by financial institutions. The purpose of the pricing surveys, which are released to the public, are to encourage consumers to comparison shop, to stimulate competition in the marketplace, and to compile data for use in advocating reforms. In 1986, more than 18,000 consumers requested survey information.

Once each year, CA publishes consumer service guides for the San Francisco Bay area and the Los Angeles area which list agencies and groups offering services to consumers and assisting with complaints. A free consumer complaint/information switchboard is provided by CA, and the group publishes a regular newsletter which includes the pricing surveys.

### MAJOR PROJECTS:

On November 16, CA released its annual credit card survey which revealed that, in the past year, five California institutions and twelve out-of-state institutions sharply increased their interest rates on credit cards. The new survey also uncovered twelve low-interest cards (16% and below). CA's credit card survey includes 35 banks, savings and loans (S&Ls), and savings banks (SBs), and ten credit unions. Information on in-state cards is accurate as of September 4; information on out-of-state cards is accurate as of October 5. The eight-page survey is available at no charge to those who send a stamped,

self-addressed, business-size envelope to CA's San Francisco address.

Five California institutions raised their rates an average of 2.24 percentage points. The average interest rate on cards offered at 21 institutions in 1988 was 17.52%, compared to an average of 18.02% in 1989. Twelve of 18 out-of-state institutions offering cards to Californians in 1988 raised their rates in 1989 an average of 1.76 percentage points. Nine of the 18 raised interest rates above 16% and are therefore no longer considered by CA to be "low-rate" cards. In 1988, 18 out-of-state and nine in-state institutions offered rates at or below 16%; in 1989, only 12 out-of-state and four in-state cards were at or below 16%. Continental Savings' credit card rate is 16%—the lowest in the state for institutions that do not require an existing account. The ten credit unions surveyed had an average annual percentage rate of 15.85% compared to the 17.97% average for banks, S&Ls, and SBs.

In September, the PUC held public hearings on a proposed settlement to resolve problems with customer-owned pay telephones (COPTs). (See CRLR Vol. 9, No. 4 (Fall 1989) p. 134 for background information.) CA participated in a series of workshops during 1989 which produced the agreement. The proposal would change and limit prices charged for use of the pay phones, require clear disclosure of information at the phones on their use, and revise the procedures for enforcing regulations against the owners of COPTs which violate the rules. CA is asking the PUC to lower the thirty-cent charge (by at least five cents) for operator-assisted long distance calls paid for through calling cards or any means other than cash. The PUC has received many complaints from consumers regarding this "pay station surcharge." At this writing, the PUC is still considering the proposed settlement.

CA recently released several new publications, including a booklet on banking services in English, Spanish, and Chinese, entitled *Why Use a Bank Account?*; a new *Consumer Services Guide, 1989-90*, listing consumer agencies in (for the first time) both northern and southern California; and two guides by CA's Telephone Information Project (TIP), called *How to Choose a Long Distance Company* and *California's Universal Lifeline Telephone Service*. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 20 for background information on TIP.)

### CONSUMERS UNION

1535 Mission St.  
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Consumers Union (CU), the largest consumer organization in the nation, is a consumer advocate on a wide range of issues in both federal and state forums. At the national level, Consumers Union publishes *Consumer Reports*. Historically, Consumers Union has been very active in California consumer issues.

### MAJOR PROJECTS:

In November, CU announced that holiday shoppers who purchase merchandise on credit would pay millions more to finance their goods this year over last—thanks to state legislators. According to a CU study, major retailer groups donated \$699,179 to state legislators during 1988, primarily to those voting for SB 2592 (Dills), which deregulated retail credit card interest rates as of January 1, 1989. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 20; Vol. 9, No. 3 (Summer 1989) p. 18; and Vol. 9, No. 1 (Winter 1989) p. 19 for background information.) West Coast CU Director Harry Snyder said, "The financial shenanigans that went on during the passage of this bill raise serious questions about the independence of the California legislature. The legislature and retailers will undoubtedly be exchanging gifts this holiday season, while consumers are getting lumps of coal."

CU said one retailer political action committee—the California Retailers Good Government Council—donated \$207,275 in 1988 alone. Of that amount, \$152,625 (73.6%) went to lawmakers who voted to remove the 18% cap on retail credit card interest rates under SB 2592. Other retailers that are profiting from the Dills bill, such as J.C. Penney, May Company, and Sears, also contributed large amounts of money. CU and other consumer groups advised consumers to avoid shopping at stores which have raised their credit rates above 18%, or to use lower-interest financial institution credit cards. CU will continue its efforts to persuade the legislature to repeal retail credit rate deregulation.

On November 13, CU—joined by Health Access, the American Cancer Society, the American Academy of Pediatricians, and the Center for Public Interest Law—filed a petition calling on Insurance Commissioner Roxani





Gillespie to investigate numerous allegations of abuse and discrimination by insurance companies of child cancer victims and their families. According to CU's petition, the abuses include lengthy and unlawful delays and complete refusal to pay legitimate medical claims; sudden and enormous premium increases; and discrimination in coverage for recovered cancer victims. The "Kids With Cancer" petition requests a full investigation of the alleged abuses, including subpoenas of health insurance industry officials if necessary. CU and Health Access believe this pattern of abuse is routine behavior by insurance companies toward victims of all catastrophic illnesses, including AIDS. CU will be meeting with Department representatives in March, and plans to request the Department to hold two public hearings (one each in northern and southern California) on the allegations in the petition.

On December 19, CU's Harry Snyder stated his opposition to a proposed new insurance initiative unveiled that day by Voter Revolt, which would establish a state-run insurance company if the insurance industry does not comply with Proposition 103. (See *supra* report on ACCESS TO JUSTICE FOUNDATION for further information.)

During 1989, a coalition of low-income and minority groups urged amendments to AB 354 (Johnston), the no-fault auto insurance bill which CU sponsored. The coalition's support helped CU pass the bill out of the Assembly Finance and Insurance Committee. The bill was then stalled by Speaker Willie Brown. At this writing, the bill is awaiting a hearing in the Assembly Ways and Means Committee. (See *infra* report on PUBLIC ADVOCATES for further information.)

In 1989, CU successfully opposed an attempt by the California Bankers Association (CBA) to repeal and rewrite the entire California banking law. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 1 and 88-90 for background information.) AB 2521 (Johnston), which CU contended had many harmful provisions for consumers and no affirmative benefits, was dropped by CBA in January.

In October, CU began the first of its advocacy training workshops for community groups interested in health issues. The workshops cover a variety of organizing skills including coalition building, project selection, working with the media, and lobbying. The grassroots training project is funded through a

grant from the California Department of Alcohol and Drug Programs.

## ENVIRONMENTAL DEFENSE FUND

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The Environmental Defense Fund (EDF) was formed in 1967 by a group of Long Island scientists and naturalists concerned that DDT was poisoning the environment. EDF was a major force behind the 1972 federal ban of DDT.

Staffed by scientists, economists, and attorneys, EDF is now a national organization working to protect the environment and the public health. Through extensive scientific and economic research, EDF identifies and develops solutions to environmental problems. EDF currently concentrates on four areas of concern: energy, toxics, water resources and wildlife.

## MAJOR PROJECTS:

Following successful advocacy by EDF wildlife attorney Michael J. Bean, the U.S. Department of Commerce recently reinstated a regulation requiring commercial shrimp fishers to equip their nets with turtle excluder devices (TEDs). The devices prevent death by suffocation of sea turtles caught in the nets by allowing them to escape. Commerce Secretary Mosbacher flip-flopped on the regulations by first instituting the TED requirement, then suspending it in July, and reinstating the regulation in September. The National Oceanic and Atmospheric Administration (NOAA) estimates that without the use of TEDs, 48,000 sea turtles would be caught each year in nets and more than 11,000 would drown. EDF is concerned that TED opponents will mount further attempts to convince the administration and Congress to suspend the regulation.

A two-year EDF project has spurred an unprecedented loan by the World Bank to India that will repair the negative environmental impacts of projects previously approved by the Bank. Much of the \$75 million loan will be used in Singrauli, India, the site of one of the most ambitious—and destructive—energy and industrial development programs in the Third World. Since 1977, the

World Bank has lent \$50 million to finance a Singrauli coal mine and coal-fired power plant, which has resulted in displacement of 23,000 poor Indian farmers. The total scheme of five power plants and eleven open-pit coal mines has displaced over 200,000 rural poor, caused massive air and water pollution, and transformed formerly forested and fertile land into an ecological disaster area.

EDF attorney Bruce M. Rich led the efforts to convince the World Bank to correct some of the Singrauli problems through congressional testimony, talks with Indian government officials, and documentation of environmental effects in a letter to the Bank, along with endorsements from 48 environmental and human rights groups in eleven countries. The Bank agreed to most of EDF's demands, including measures to control pollution and compensate people displaced by the Bank-funded development. Rich said that six more giant coal plants are planned for the region, making it one of the biggest single sources of greenhouse gases on earth. He explained that the next task is to examine India's entire energy system and promote conservation and development of alternative energy sources.

A recent report by EDF oceanographer Mary Voytek entitled *Ominous Future Under the Ozone Hole* concludes that serious ecological damage to the plants and animals of Antarctica and the surrounding ocean may well be the result of ozone depletion and increased solar ultraviolet (UV) radiation. Voytek's report calls for new international research and initiatives to respond to the threat.

Scientists believe the protective ozone layer over Antarctica has decreased by 50% since 1975. The ozone depletion reaction happens at the worst possible time each year, with high doses of UV light flooding phytoplankton and other microflora of the food chain just as they are emerging from the dark winter period to bloom. Research indicates an increase in UV radiation causes a decline in photosynthesis and can damage DNA. The UV light can penetrate the ocean to depths of 20 to 30 feet. Considering the limited data available, Voytek believes that UV radiation can reduce algae and phytoplankton by 10-35%—which is roughly 2-4.5% of total global productivity. Such a loss could set off a chain reaction that would in turn diminish populations of krill (the center of the Antarctic food chain), as



well as squid, fish, and the penguins, seals, and whales which depend on the lower forms for food.

The problems of chlorofluorocarbons (CFCs) depleting the ozone is far from solved even though many nations are now taking action to reduce them. Even if the production of CFCs were halted immediately, the ozone hole over Antarctica would continue for decades.

#### FUND FOR ANIMALS

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Founded in 1967, the Fund works for wildlife conservation and to combat cruelty to animals locally, nationally, and internationally. Its motto is "we speak for those who can't." The Fund's activities include legislation, litigation, education, and confrontation. Its New York founder, Cleveland Amory, still serves without salary as president and chief executive officer.

#### MAJOR PROJECTS:

In its biannual newsletter, the Fund recently reported that in March 1989, the Director of the federal Bureau of Land Management (BLM) passed title to 140 wild horses to Great Western Meats of Morton, Texas. Fund for Animals promptly commenced contempt of court proceedings, charging that BLM had violated an injunction issued by a federal court in Reno prohibiting BLM from selling wild horses for slaughter. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 21 and Vol. 8, No. 2 (Spring 1988) pp. 21-22 for background information.) In court, BLM representatives said they had been told the animals would be used "for ranch and recreational purposes" by Great Western Meats. However, attorneys for the Fund argued that Great Western Meats had sold 150 wild horses for slaughter in 1987, and claimed that BLM passed title to the 140 horses with full knowledge of Great Western's earlier conduct and disregard for the court's previous injunction. On August 10, the U.S. District Court in Reno directed the Fund to proceed with its contempt of court action; BLM must now explain why its sale of the horses to Great Western was not a violation of the court's prior injunction.

The Fund for Animals is actively challenging the practice of animal

"sport" hunting across the country. In a holiday message to its membership, Fund President Cleveland Amory noted that he is sick of hunters, who comprise 7% of the population, being allowed to kill or maim 200 million animals each year. The Fund is working to end hunting of black bears, mountain lions, and other animals in California. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 21 for background information.) In December, the California Department of Fish and Game announced that hunters chosen in a drawing killed nine bighorn sheep this season. New Hampshire hunter Robert Senter, the highest bidder, paid \$40,000 for his permit, and was allowed by the Department to bag his sheep two weeks ahead of the other hunters. Hunting of bighorn sheep had been outlawed in California for 113 years, but Governor Deukmejian vetoed a 1986 bill which would have extended the ban. About 3,000 hunters applied for the nine sheep-killing permits in 1989.

In November, PAW PAC, California's political action committee for animals, announced its selection of Assemblymember Jack O'Connell as its 1989 Legislator of the Year. PAW PAC called O'Connell "a wonderful friend to animals every year," and cited him for his introduction of two 1989 bills: AB 212, giving rights to people with pets in mobile home parks; and AB 2461, which would prohibit painful tests on animals for cosmetic and household products. AB 212 was signed into law; AB 2461 was rejected by the Assembly in June but was subsequently amended and is pending in the Senate Judiciary Committee at this writing. Actress Eileen Brennan presented O'Connell with PAW PAC's appreciation plaque in Santa Barbara on November 29.

The Fund reported a 1989 legislative success rate of 60%. During the 1990 session of the California legislature, Fund for Animals will monitor legislation pertaining to animal protection, including bills relating to anti-cruelty, pet shops and breeders, exotic animals, product testing, veal calves, hunting from cars, cock fighting penalties, and restrictions on the use of drugs on race horses.

Avid animal protectionists are very concerned about the way animals are treated in rodeos. Fund for Animals representative Jerre Mooney reported that rodeo participants followed and harassed her, and tried to block her from taking pictures during a recent rodeo at

the Los Angeles Equestrian Center. According to Mooney, the rodeo events featured "calf dressing," in which women's underwear was put on the animals; a "calf scramble," in which 200 children were turned loose in the arena with three calves; and "the exhibition," in which a cowboy subdues a steer by biting its lip. She also attended a rodeo at the Orange County Fair, and noted that a steer which had partially broken off its horn in a wrestling competition was simply placed in a trailer where no veterinarian was available. Mooney also observed that many rodeo cowboys wear eagle and raptor feathers—which are possessed illegally—in their hats.

#### LEAGUE FOR COASTAL PROTECTION

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Created in 1981, the League for Coastal Protection (LCP) is a coalition of citizen organizations and individuals working to preserve California's coast. It is the only statewide organization concentrating all its efforts on protecting the coast. The League maintains a constant presence in Sacramento and monitors Coastal Commission hearings.

#### MAJOR PROJECTS:

A contest between environmentalists and developers over the position of Coastal Commission Chair got under way early in the year as Assembly Speaker Willie Brown considered a replacement for current Commission Chair Michael Wornum. Two other pro-environmental commissioners have announced their resignations, setting the stage for a possible takeover of the chair position and a majority of seats on the Commission by development interests. Also in jeopardy is the position of Commission Executive Director, held since 1985 by Peter Douglas. Environmentalists are backing Democrat Robert Franco, the mayor of Del Rey Oaks, for Commission chair. Development forces are supporting Morro Bay rancher Steve MacElvaine or Chula Vista City Councilor David Malcolm.

LCP and Natural Resources Defense Council leader Ann Nothoff declared that appointment of David Malcolm as chair "would be a disaster." Malcolm has been highly critical of Douglas and



would probably move to fire him, according to some environmentalists. Malcolm has been sued in the past by the Sierra Club for allegedly using his influence on the Commission to secure approval for a bayfront development project in Chula Vista that would damage wetlands habitat. Further, the Fair Political Practices Commission is investigating a complaint by the Chula Vista City Attorney that Malcolm has violated conflict of interest laws by voting on land use matters.

LCP remains actively opposed to the federal government's planned lease sales of offshore oil drilling tracts. A congressional one year ban on offshore oil lease sales passed last fall has provided breathing space for those on both sides of this controversial issue—at least until October 1, 1990. According to the fall edition of LCP's *Coastlines* newsletter, the moratorium halted all leasing in 84 million acres off Alaska, southern Florida, California, George's Bank, and the mid-Atlantic. *Coastlines* urged a shift in the focus "from temporary bans to permanent protection, via legislation along the lines of the Boxer bill." Representative Barbara Boxer's California Ocean Sanctuary bill would prohibit oil and gas drilling up to 145 miles off the state's coast. Meanwhile, the presidential task force on oil drilling sent its report to the White House on January 2. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 20 and Vol. 9, No. 2 (Spring 1989) p. 30 for background information.) The report contained a list of options rather than recommendations for President Bush to consider. Significantly, the list of options did not include a permanent ban on drilling off the coasts of California and Florida.

*Coastlines* also pointed out that oil leasing will now be a major issue in the 1990 California gubernatorial campaign. The newsletter reported that the Environmental Protection Initiative of 1990, currently being circulated for signatures, is designed to offer strong protection for the coast via provisions which would restrict oil drilling within the three-mile coastal zone, establish a stringent oil-spill prevention policy backed by a \$500 million Oil Spill Prevention and Clean-up Fund, further limit discharges of toxics into state waters, and require municipalities to meet sewage treatment standards of the Clean Water Act by 2000. State Attorney General John Van de Kamp, a Democratic candidate for governor, co-authored the initiative and has

endorsed it.

LCP was bitterly disappointed by the Governor's veto last fall of SB 467 (Davis), which would have granted the Coastal Commission's Executive Director the authority to issue cease and desist orders to block illegal development. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 116 for more information on SB 467.) The number of unenforced Coastal Act violations is increasing to alarming levels, according to environmentalists.

## NATURAL RESOURCES DEFENSE COUNCIL

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The Natural Resources Defense Council (NRDC) is a nonprofit environmental advocacy organization with a nationwide membership of more than 125,000 individuals, more than 38,000 of whom reside in California. Since 1972, NRDC's western office in San Francisco has been active on a wide range of California, western, and national environmental issues. Most of that work is now grouped under five subject-matter headings: public lands, coastal resources, pesticides, energy, and water supply. In these areas, NRDC lawyers and scientists work on behalf of under-represented environmental quality interests before numerous state and federal forums. Public health concerns are increasingly a priority, in addition to conservation of nonrenewable resources and ecosystem preservation.

NRDC has been active in developing energy conservation alternatives to new power plants and offshore oil drilling, and resource-conserving land use policies in California's coastal counties and federally-managed lands. Notable recent achievements claimed by NRDC include leadership of coalitions which have developed broadly-supported federal legislative initiatives on pesticide regulation and efficiency standards for household appliances.

Agricultural water supply and drainage issues are taking on growing importance with NRDC, including the widely-publicized contamination of the Kesterson Wildlife Refuge and the broader policy issues underlying that crisis. In California, NRDC appears frequently before the Coastal Commission,

Energy Commission, and Public Utilities Commission. NRDC headquarters is in New York City, with branch offices in Washington, D.C., San Francisco, Los Angeles, and Honolulu.

## MAJOR PROJECTS:

In October, NRDC opened an office in downtown Los Angeles. By January, that office had a staff of four attorneys and two scientists. The event was widely seen as the first full-time expert staff operation to be located in Los Angeles by a major national environmental group. Attorney James Thornton, in charge of the new office, said, "We're here for the long term." According to NRDC Executive Director John Adams, "Industry should get the message that a tough advocate for the environment has arrived." Los Angeles NRDC staff attorney Mary Nichols is a former chair of the state Air Resources Board from 1979 to 1982, and most recently was an air quality consultant to Southern California Edison. The branch office has already opened investigations into air and water pollution issues in southern California.

At the national level, NRDC—in coalition with other groups—is waging a campaign to significantly strengthen the federal Clean Air Act. Executive Director John Adams called the Bush administration's clean air proposal "a polluter's wish list," and said it will significantly weaken the existing law. He said Rep. John Dingell (D-Michigan), who is sponsoring the administration's clean air plan, is "the automakers' best friend in Congress" because at least 21 issues in the plan were decided in favor of the automobile industry. Adams claimed that the Bush-Dingell bill will delay clean-up of the air in Los Angeles, New York, and seven other cities until 2010; permit new cars to emit more pollution than they do now; and allow acid rain to increase in the western states—even in national parks and wilderness areas.

NRDC urges its members and citizens to write their congressional representatives, calling for strengthening amendments to the Clean Air Act, including the following:

-H.R. 2323 (Waxman-Lewis), which would require cities (except Los Angeles) to meet federal air quality standards by 2010; dramatically tighten auto, bus, and truck pollution standards by 2000; and set tough pollution standards for industrial sources and con-



sumer and commercial products.

-H.R. 2585 (Leland-Molinari), the "Air Toxics Control Act," which would protect public health by requiring all plants to adopt improved pollution controls; set a goal of cutting cancer risks for exposed individuals to one in one million; adopt measures to reduce toxic chemical accidents; and reduce toxic emissions from motor vehicles.

-H.R. 1470 (Sikorski-Conte), the "Acid Rain Deposition Control Act," which would cut annual sulfur and nitrogen oxides emissions from industry by thirteen million tons from 1980 levels by 1998. According to NRDC, this bill needs a strengthening provision to put polluters on a permanent emissions "budget" to prevent erosions of the gains to be made through this legislation.

NRDC, along with the Council for a Livable World, Environmental Policy Institute, Federation of American Scientists, Government Accountability Project, and Lawyers Alliance for Nuclear Arms Control, filed suit against the U.S. Department of Energy (DOE) last fall to compel the federal agency to prepare and circulate for comment an environmental impact statement on the federal government's entire nuclear weapons production program. If the suit is successful, DOE will be forced to evaluate all impacts of nuclear materials production, as well as the future needs for weapons materials, under various arms control scenarios. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 31 for background information.)

A coalition of environmental groups recently sued Exxon Corporation, seeking to establish an independent fund to restore Prince William Sound in Alaska. Joining NRDC in the legal action are the National Wildlife Federation and several Alaska groups. Filed in Alaska Superior Court last summer, the suit charges that Exxon and the Alyeska Pipeline Company misrepresented their ability to prevent, control, and clean up a large oil spill. The independent fund would support the supervision of resource restoration and studies to determine the full extent of the damage, which coated over 800 miles of Alaska coastline with heavy crude oil. It would also force Exxon to finance the acquisition of equivalent natural resources elsewhere, since many scientists believe that some areas of Prince William Sound are irreparably damaged by oil from the tanker Exxon Valdez in the March 1989 11-million-gallon oil spill. The Trial

Lawyers for Public Justice, a public interest law firm, will argue the case on behalf of the coalition.

#### PACIFIC LEGAL FOUNDATION

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The Pacific Legal Foundation (PLF) is a public interest law firm which supports free enterprise, private property rights, and individual freedom. PLF devotes most of its resources to litigation, presently participating in more than 100 cases in state and federal courts.

#### MAJOR PROJECTS:

In its winter 1989 *Perspectives* newsletter, PLF reports that the Washington Supreme Court recently invalidated Seattle's law requiring property owners to pay up to \$2,000 to displaced tenants as a condition for the issuance of a demolition permit. The court ruled that the tenant assistance provisions were an indirect charge on development and prohibited under state law. PLF participated as an amicus curiae and presented oral argument in the case, *R/L Associates v. City of Seattle*. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 25 and Vol. 8, No. 2 (Spring 1988) p. 24 for background information.)

In a related case, *Parman v. City of Berkeley*, the Alameda County Superior Court invalidated a Berkeley ordinance requiring landlords who wish to leave the property rental business to pay \$4,500 to the tenants of each rental unit. PLF represented the plaintiffs in arguing that the ordinance violates state law by forcing owners to rent properties against their will.

Calling it the most far-reaching decision of its kind, PLF claimed victory last fall in *Cumero v. Public Employment Relations Board*. In that case, the California Supreme Court ruled that public school teachers may not be compelled to finance lobbying, campaigning, or other political activities by teacher associations. The court also ruled that the burden of proof justifying legal expenditures rests with the associations. According to PLF, the decision limits the use of compulsory dues to collective bargaining activities with the local school district employer. Teacher associations must now prove that specific portions of compelled fees sent to organiza-

tions such as the California Teachers Association and the National Education Association are used solely for bargaining with the local employer and not for lobbying, campaigning, or recruiting new members.

PLF also reports that the Oregon Supreme Court recently accepted its arguments in *Halverson v. State of Oregon*. Following the U.S. Supreme Court's decision in *Nollan v. California Coastal Commission* (see CRLR Vol. 7, No. 1 (Winter 1987) p. 24 for background information), the court held that privately owned beaches may not be taken for public use without payment of fair compensation.

#### PLANNING AND CONSERVATION LEAGUE

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The Planning and Conservation League (PCL) is a nonprofit statewide alliance of several thousand citizens and more than 120 conservation organizations devoted to promoting sound environmental legislation in California. Located in Sacramento, PCL actively lobbies for legislation to preserve California's coast; to prevent dumping of toxic wastes into air, water, and land; to preserve wild and scenic rivers; and to protect open space and agricultural land.

PCL is the oldest environmental lobbying group in the state. Founded in 1965 by a group of citizens concerned about uncontrolled development throughout the state, PCL has fought for two decades to develop a body of resource-protective environmental law which will keep the state beautiful and productive.

PCL's promotional literature states that it has been active in every major environmental effort in California and a participant in the passage of several pieces of significant legislation, including the California Environmental Quality Act, the Coastal Protection Law, the act creating the Bay Conservation and Development Commission, the Lake Tahoe Compact Act, the Energy Commission Act, the Wild and Scenic Rivers Act, and laws which enhance the quality of urban environments.

PCL is supported by individual and group membership fees, with a current membership of more than 9,500 individ-



uals. PCL established its nonprofit, tax-deductible PCL Foundation in 1971, which is supported by donations from individuals, other foundations, and government grants. The Foundation specializes in research and public education programs on a variety of natural resource issues. It has undertaken several major projects, including studies of the California coast, water quality, river recreation industries, energy pricing, land use, the state's environmental budget, and implementation of environmental policies.

## MAJOR PROJECTS:

Two PCL-backed initiatives have been approved by the Secretary of State for the June 1990 ballot: the California Wildlife Protection Act and the Clean Air and Rail Transportation Bond Act. (For background information on both initiatives, see CRLR Vol. 9, No. 4 (Fall 1989) p. 24.) The Wildlife Protection Act would prohibit trophy hunting of mountain lions and provide \$30 million each year (for thirty years) for the acquisition of wildlife habitat. The California Wildlife Protection Committee (a project of PCL) submitted more than 675,000 signatures, 425,000 of which were declared valid, according to Secretary of State March Fong Eu. To qualify for the ballot, 372,178 signatures were needed. The mountain lion initiative will also ban the use of poison, leg-hold or steel-jawed traps, and snares. Wildlife experts estimate there are between 2,500 and 5,000 mountain lions (cougars) in the state. According to PCL, every single signature for the mountain lion initiative was collected by volunteers—and in only four months. All other initiatives circulated during the past several years have used paid circulators for part or most of the work.

The Clean Air and Rail Transportation Bond Act qualified for the ballot with a margin of 70,000 valid signatures in mid-December. PCL said it submitted at least 695,000 signatures on November 2. The initiative would authorize \$1.99 billion for improvements in and expansion of rail service throughout the state. According to PCL's November 1989 *California Today* newsletter, the need for mass public transit in California was dramatically demonstrated in October after the Bay Area earthquake, when ridership on the Bay Area Rapid Transit System (BART) jumped from 200,000 to 300,000 per day. Californians for Transportation

Solutions, the initiative's official campaign committee, is now busy seeking endorsements for the proposition. The group's effort was given a big boost by the endorsement of former state Senate President pro Tem Jim Mills of San Diego, who also served as chair of the Senate Transportation Committee and is currently the long-standing chair of the San Diego Metropolitan Transit Development Board. Another important endorsement came from Californians for Better Transportation, the coordinating body for labor, business, public transit districts, and the transportation industry.

In October, PCL Foundation sponsored its first Southern California Environmental Symposium at California State University, Los Angeles, which was attended by more than 160 people. Guest speakers included state Controller Gray Davis, Attorney General John Van de Kamp, Lieutenant Governor Leo McCarthy, state Senator Art Torres, and Assemblymember Lucille Roybal-Allard. Van de Kamp described the details of his Environmental Protection Act of 1990 (also known as "Big Green"), which is currently being circulated for signatures.

## PUBLIC ADVOCATES

1535 Mission St.  
San Francisco, CA 94103  
(415) 431-7430

Public Advocates (PA) is a nonprofit public interest law firm concentrating on the areas of education, employment, health, housing, and consumer affairs. PA is committed to providing legal representation to the poor, racial minorities, the elderly, women, and other legally underrepresented groups. Since its founding in 1971, PA has filed over 100 class action suits and represented more than 70 organizations, including the NAACP, the League of United Latin American Citizens, the National Organization for Women, and the Gray Panthers.

## MAJOR PROJECTS:

Speaking to the Assembly Finance and Insurance Committee in early December, PA Executive Director Robert Gnaizda sharply criticized the management of the California Automobile Assigned Risk Plan (CAARP), and a pending request for a 112% increase in premium levels of CAARP

policies. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 94 for background information on CAARP, the Department of Insurance's mandated insurance plan for "high-risk" drivers.) Gnaizda argued that proposed structural reforms to CAARP and/or premium increases would force low-income drivers with good records to go without insurance because they will not be able to afford the increased CAARP rates. He called on the state to develop a low-cost auto insurance system.

In January, PA joined a coalition of low-income, minority, and consumer groups to support AB 354 (Johnston), the "no-frills," low-cost, modified no-fault insurance system which would provide more affordable auto insurance coverage for the estimated six million California drivers who have no insurance. In addition to PA, the coalition backing AB 354 includes Consumers Union, Latino Issues Forum, and George Dean, president of the California Council of Urban Leagues. The coalition called on Assembly Speaker Willie Brown to stop blocking action on the bill, which is pending in the Assembly Ways and Means Committee at this writing.

AB 354 would require all drivers to purchase, at minimum, a no-fault policy which would provide \$15,000 in medical and wage loss coverage. The no-frills policy for good drivers would cost \$180—at least until July 1991. Drivers would have the option of purchasing additional no-fault benefits and liability coverage. Under the plan, drivers could sue only to recover economic damages which exceed their no-fault benefits; they could not sue for noneconomic damages unless their injuries are severe or permanent. The coalition presented data which indicated that 90% of auto accidents involve bodily injuries that fall within the \$15,000 policy limits of AB 354.

In November, Health Access—the statewide health advocacy coalition of which PA is a leading member—dropped the idea of proposing a universal health care initiative on the November 1990 ballot. According to the coalition, approximately 5.2 million Californians lack health coverage. A Health Access spokesperson said the decision was based on difficulties in pulling together a broad alliance and an insufficient amount of time in which to do it. The possibility that the California Medical Association (CMA) may for-



ward its own health care initiative also had a chilling effect on the plans of Health Access. Health Access has criticized the CMA plan and questioned its tactics and willingness to negotiate. Health Access said it will continue to work with the legislature this session to expand health coverage and will consider a 1992 ballot initiative.

## PUBLIC INTEREST CLEARINGHOUSE

200 McAllister St.  
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The Public Interest Clearinghouse (PIC) is a resource and coordination center for public interest law and statewide legal services. PIC is partially sponsored by four northern California law schools: Hastings School of Law, University of Santa Clara School of Law, Golden Gate School of Law, and University of California at Davis School of Law. The Clearinghouse is also funded by the California Legal Services Trust Fund and a subgrant from the Legal Services Corporation.

Through the Legal Services Coordination Project, PIC serves as a general resource center for all legal services programs in California and other states in the Pacific region. Services include information on funding sources and regulations, administrative materials, and coordination of training programs.

PIC's Public Interest Users Group (PUG) addresses the needs of computer users in the public interest legal community. Members include legal services programs in the western region of the United States, State Bar Trust Fund recipients, and other professionals in various stages of computerization. PUG coordinates training events and user group meetings, and serves as a clearinghouse for information shared by public interest attorneys.

PIC's biweekly "Public Interest Employment Report" lists positions for a variety of national, state, and local public interest organizations, including openings for attorneys, administrators, paralegals, and fundraisers. There is no charge for listing jobs in the employment report. A job resource library at PIC's office is available to employment report subscribers and to the general public.

PIC's public interest law program at the four sponsoring law schools helps

prepare students to be effective advocates for the poor and other disadvantaged members of society. A project known as "PALS"—the Public Interest Attorney-Law Student Liaison Program—matches interested law students with practitioners in the field for informal discussions about the practice of law.

PIC's Academic Project promotes and facilitates the interaction of law school faculty and legal services attorneys in furtherance of law in the public interest. Faculty members assist practicing attorneys with legal services cases, and staff attorneys help faculty with research and course materials.

PIC publishes the *Directory of Bay Area Public Interest Organizations*, which lists over 600 groups and information on their services and fees. PIC also publishes the *Directory of Public Interest Law Firms in Fifteen Northern California Counties*, which lists over 150 for-profit law firms which devote a substantial portion of their legal work to the public interest.

PIC publishes the *Public Interest Advocate*, a newsletter of its public interest law program. The newsletter prints information on part-time and summer positions available to law students. It is published August through April for law students in northern California. Listings are free and must be received by the tenth of the month.

## MAJOR PROJECTS:

On November 29, PIC celebrated its tenth anniversary of providing assistance to the legal services and public interest community with a party held at Hastings College of the Law in San Francisco.

PIC's November/December *Legal Services Bulletin* reported that the October 17 Bay Area earthquake disrupted many regional legal services programs. Dozens of legal services attorneys and paralegals attending a training session were stranded by the quake at the remote College of Advocacy training site, where it took police more than 48 hours to evacuate everyone. California Indian Legal Services and the Legal Aid Society of Santa Cruz lost their offices. Santa Cruz staffers were not allowed into their building for over two weeks, and then only briefly; their losses topped \$25,000. PIC and the HandsNet computer system aided them by locating temporary office space. The Income Rights Project, located in PIC's

former offices, was forced to move. Legal Assistance to the Elderly and the California Law Center on Long Term Care were also temporarily displaced.

However, the Bay Area legal services community has bounced back to assist clients in recovering from the effects of the quake. Many clients were made homeless or lost their jobs as a result of the quake. In Watsonville, legal services staffers said their client population quadrupled overnight, and they have had to work every day since the quake. PIC reports that the number of disaster-related issues facing legal services clients is staggering, because unscrupulous landlords are using the quake as an excuse to evade rent-control and to evict tenants.

PIC lauded the efforts of the State Bar's Office of Legal Services, which immediately organized seminars to train dozens of volunteer *pro bono* attorneys, compiled hundreds of packets of materials to be given away to the volunteers and legal services attorneys staffing the clinics, and launched an effort to obtain emergency funding to help put programs back on their feet. On November 4, the State Bar Board of Governors adopted a resolution endorsing Bar President Alan Rothenberg's letter supporting an emergency request for \$300,000 from the Legal Services Corporation (LSC) to help legal services projects recover from the quake and respond to clients.

PIC itself responded by immediately programming a new section of Legal Aid/Net providing information on local programs and how they had survived the quake, and by serving as a general information clearinghouse. PIC staffers helped an emergency shelter set up a database of information on resources available to help the relief effort. PIC also compiled the details about losses suffered by various local programs, and produced a single appeal for emergency funding on behalf of the entire legal services community.

On December 8, the State Bar Committee on Legal Services discussed a proposal to allow out-of-state lawyers to work with legal services programs pending their passage of the Bar exam. There is significant support for the plan from legal services programs and local bar associations, but it is opposed by the Committee of Bar Examiners. The proposal should reach the Bar's Board of Governors at its March meeting, and if recommended at that time, will be submitted to the California Supreme Court for adoption.



In November, the 100th legal services subscriber signed on to the HandsNet legal services network. In California, where Legal Aid/Net was started a year ago, 80% of LSC-funded programs are now on board and the remainder are expected to join within a few months.

## SIERRA CLUB

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The Sierra Club has 185,000 members in California and over 530,000 members nationally, and works actively on environmental and natural resource protection issues. The Club is directed by volunteer activists.

In California, Sierra Club has thirteen chapters, some with staffed offices. Sierra Club maintains a legislative office in Sacramento to lobby on numerous state issues, including toxics and pesticides, air and water quality, parks, forests, land use, energy, coastal protection, water development, and wildlife. In addition to lobbying the state legislature, the Club monitors the activities of several state agencies: the Air Resources Board, Coastal Commission, Department of Health Services, Parks Department, and Resources Agency. The Sacramento office publishes a newsletter, *Legislative Agenda*, approximately fifteen times per year. The Sierra Club Committee on Political Education (SCCOPE) is the Club's political action committee, which endorses candidates and organizes volunteer support in election campaigns.

The Sierra Club maintains national headquarters in San Francisco, and operates a legislative office in Washington, D.C., and regional offices in several cities including Oakland and Los Angeles.

## MAJOR PROJECTS:

The Club's November issue of *Legislative Agenda* called 1989 "the year of transition into an environmental decade, the 1990s." According to the newsletter, many politicians—including those currently campaigning for governor—are paying more attention to constituents' concerns about the environment.

The *Agenda* stated that "any of the

current candidates is more sympathetic to the environment than the present governor." While significant legislation on solid waste and recycling passed and was signed into law, Governor Deukmejian continued to demonstrate his hostility toward the environment. He again forbade funding for coastal protection and vetoed dozens of environmental bills. While the legislature demonstrated a willingness to pass bills to reduce chlorofluorocarbons (CFCs) and greenhouse gases, and to initiate studies to develop solutions for implementation by state agencies, Governor Deukmejian vetoed all bills calling for action, saying he prefers to wait for further studies and analysis. Among his veto victims were the following:

-AB 2151 (Brown), which would have required the Air Resources Board (ARB) to develop an inventory of the sources and quantities of greenhouse gases and air quality control strategies to reduce the greenhouse effect, and required the California Energy Commission (CEC) to develop programs to reduce greenhouse gas emissions.

-SB 427 (Torres), which would have included greenhouse effect and global warming considerations within the California Environmental Quality Act (CEQA), to be assessed in environmental impact reports. CEC would have been required to develop strategies to reduce carbon dioxide emissions and various state agencies would have been required to study ways to discourage forest destruction.

-SB 116 (Rosenthal), which would have required the recycling and reuse of CFCs in commercial refrigeration systems.

-SB 231 (Roberti), which would have required the ARB to adopt a program to either reduce CFC emissions or eliminate specific uses of the chemicals.

-SB 1192 (Marks), which would have banned the use and sale of rigid foam products made with ozone-depleting compounds.

-AB 1130 (Sher), which would have allowed air quality districts in nonattainment areas to impose added vehicle registration fees for reducing motor vehicle emissions and implementing Clean Air Act requirements.

-AB 1737 (Friedman), which would have eliminated the cumbersome requirement that state and local agencies prove intent or negligence by violators of pollution abatement orders and, instead, shifted the burden of defense to

the cited industries. The ARB supported this legislation but industry led a late opposition campaign.

-SB 120 (Presley), which would have authorized the South Coast Air Quality Management District Board to impose a vehicle registration fee surcharge of up to \$3 per vehicle. It specified purposes for spending vehicle registration and indirect source fees, and included provisions for establishing notification and procedural requirements for district rule-making and budget actions.

On forest preservation, the Sierra Club blamed Assemblymember Dan Hauser for engineering the defeat of AB 390 (Sher). The Club called AB 390 a moderate measure which would have prohibited the clearcutting of virgin old-growth timber on private lands. The bill allowed a portion of those ancient redwood and fir trees to be selectively logged—up to 60%—as a balancing measure for protection of jobs as well as habitat. AB 390 was killed on the Assembly floor when Hauser proposed a series of destructive amendments.

Positive measures held over from 1989 for consideration in 1990 include the following:

-AB 2203 (Cortese), which would address basic growth management issues, and would include air quality considerations in the local general plan process. A similar bill, AB 35 (Eastin), which links local land use and regional transportation planning, will be reviewed in the Senate.

-SB 968 (Bergeson), which seeks to enable sales and property tax sharing at the local level in order to ease the financial pressures which fuel poorly planned growth.

-SB 1332 (Presley), which attempts to facilitate voluntary creation of subregional planning authorities to prepare integrated regional plans.

## TURN (TOWARD UTILITY RATE NORMALIZATION)

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Toward Utility Rate Normalization (TURN) is a nonprofit advocacy group with about 45,000 members throughout California. About one-third of its membership resides in southern California. TURN represents its members, com-





prised of residential and small business consumers, in electrical, natural gas, and telephone utility rate proceedings before the Public Utilities Commission (PUC), the courts, and federal regulatory and administrative agencies. The group's staff also provides technical advice to individual legislators and legislative committees, occasionally taking positions on legislation. TURN has intervened in about 200 proceedings since its founding in 1973.

#### MAJOR PROJECTS:

In September, TURN introduced a new bimonthly newsletter entitled *Inside Line*, which is published through the group's Telecommunications Education Program (TEP). The bulletin explains PUC proceedings, examines issues affecting residential and small business customers, advises on effective intervention techniques at the PUC, and provides information about changes in telecommunications services. TURN's TEP is funded by the Telecommunications Education Trust (TET), which the PUC established with \$16.5 million in penalties assessed against Pacific Bell for abusive marketing practices during 1985-86. In 1989, TET awarded grants totalling nearly \$5 million to 32 nonprofit groups, which will work to improve consumers' understanding of the ever-changing telecommunications industry. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 133-34 for background information on TET.)

In the September issue of *Inside Line*, TURN explained the ongoing three-phase PUC telephone rate proceeding, known as the Alternative Regulatory Framework (ARF) proceeding, which began in 1987 and may conclude by end of 1990. The November *Inside Line* described the major parties' positions in the ARF case, along with a summary of the final ARF Phase II decision adopted by the PUC on October 12. (See *infra* agency report on the PUC for further information.)

On November 8 and 9, TURN's TEP sponsored a free training seminar entitled "How to Read Your Telephone Bill." According to TURN, PacBell's marketing abuses were aimed at residential, small business, low-income, and limited-English-speaking customers. The seminar was thus intended to provide staff members of nonprofit organizations with information and materials to assist clients with questions about charges which appear on phone bills.

In December, TURN reported that baseline energy rates, an important component of the state's energy conservation effort, are under attack by the PUC. TURN Executive Director Audrie Krause warned that many residential customers can expect higher bills if the Commission approves a proposal to reduce by 25% the difference between Pacific Gas and Electric's (PG&E) low-cost baseline rates and high-priced "second tier" rates. The proposal under consideration by the PUC would raise the price of baseline energy and lower the cost of second tier energy. If the Commission approves the proposal and other changes in 1990, PG&E residential customers will experience a 13% increase in electric rates, according to TURN.

When the PUC issued its December 20 decision in the PG&E General Rate Case, TURN announced that its advocacy had saved PG&E customers at least \$37 million over the next three years, and that it held the line against a proposed \$3 monthly service charge. The group said it also won on some important policy issues, including its challenge to PG&E's method of allocating administrative costs to the Diablo Canyon nuclear plant. The PUC agreed and ordered PG&E to conduct studies to determine how best to account for the costs. This one issue saved customers almost \$20 million, according to TURN's attorney in the case.

TURN also won Commission support for an independent audit of the financial relationship between PG&E and its unregulated affiliate, PG&E Enterprises. The giant utility had committed to an investment in PG&E Enterprises of more than \$2 billion over the next five years. The PUC concluded that stringent safeguards are necessary to protect customers from subsidizing any unregulated ventures through their gas or electric rates.

Consumers also won when the Commission disallowed \$17 million of the \$18 million requested for a PG&E management incentive program. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 27 for background information.)

#### UCAN (UTILITY CONSUMERS' ACTION NETWORK)

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Utility Consumers' Action Network (UCAN) is a nonprofit advocacy group supported by 52,000 San Diego Gas and Electric Company (SDG&E) residential and small business ratepayers. UCAN focuses upon intervention before the California Public Utilities Commission (PUC) on issues which directly impact San Diego ratepayers. UCAN also assists individual ratepayers with complaints against SDG&E and offers its informational resources to San Diegans.

UCAN was founded in 1983 after receiving permission from the PUC to place inserts in SDG&E billing packets. These inserts permitted UCAN to attract a large membership within one year. The insert privilege has been suspended as a result of a United States Supreme Court decision limiting the content of such inserts.

UCAN began its advocacy in 1984. Since then, it has intervened in SDG&E's 1985 and 1988 General Rate Cases; 1984, 1985, 1986, and 1989 Energy Cost Adjustment Clause proceedings; the San Onofre cost overrun hearings; and SDG&E's holding company application. In 1989, UCAN participated in two rate adjustment proceedings in which SDG&E was granted increases for energy costs, rate of return, and inflation. Since the fall of 1988, UCAN has been challenging the proposed takeover of SDG&E by Southern California Edison Company (SCE).

#### MAJOR PROJECTS:

On November 30, following a series of public hearings, the San Diego City Council voted unanimously to oppose the takeover of SDG&E by SCE. UCAN and the Coalition for Local Control had worked vigorously to persuade the Council to officially renounce the merger. The city attorney advised the Council that it has the authority to veto the takeover since SDG&E has signed a franchise agreement with the city to operate in city streets and rights of way. A change in ownership, the city argued, is a major change in the franchise contract. SDG&E and SCE claim the city has no power to veto the takeover based on the franchise agreement. The Council directed the city attorney to take appropriate legal action to determine the city's rights under the franchise. A lawsuit will ask the courts to force SDG&E and SCE to seek permission from the city for a transfer of the franchise. Other cities which have declared formal opposition to the takeover are Chula Vista,



Vernon, Burbank, Pasadena, Glendale, Anaheim, Azusa, Banning, Colton, and Riverside.

On December 13, the Federal Energy Regulatory Commission (FERC) released its staff report on the Edison takeover, which said the merger would not significantly harm competition. While SDG&E and SCE called the analysis an encouraging development, the City of San Diego said the report is "fundamentally at odds with the U.S. Department of Justice antitrust guidelines." UCAN assailed the FERC staff report, contending that "it fails to address the question of whether savings will occur, or whether the merger would be good for San Diego or California." The FERC staff did conclude that a successful merger would grant SCE greater monopoly control over power transmission facilities and the clout to increase costs of wheeling electricity over powerlines to small municipally-owned systems. The San Diego City Attorney's office complained that the report ignores the issue of Edison's "sweetheart deals" in which it has purchased electricity at inflated rates from its Mission Energy subsidiary. FERC public hearings on the takeover were scheduled to begin in Washington, D.C. on February 12.

The PUC's Division of Ratepayer Advocates (DRA) staff report on the proposed takeover was delayed until February 8. DRA said its report was held up because SCE refused to turn over many records it requested. In early November, Commissioner Stan Hulett directly ordered Edison to hand over several thousand disputed documents. At this writing, the PUC's hearings on the merger are scheduled to start in April, with a final PUC decision anticipated near the end of the year.

In mid-December, SDG&E and SCE reported to the PUC that they have spent \$2.2 million on merger-related public relations and advertising to persuade area consumers and officials to support the merger of the two utilities. Calling the amount spent by the companies "outrageous," UCAN Executive Director Michael Shames warned that the utilities would spend "easily two to three times that amount" in 1990 when the takeover issue is on the June or November ballot for an advisory vote. UCAN, which had requested the spending information in the merger proceeding discovery process, also requested documents on how much the two companies have spent on local lawyers,

consultants, and lobbyists to promote the merger. The administrative law judge presiding over the case ordered SDG&E and Edison to reveal that data, but the order did not require the utilities to reveal the exact amounts paid to each individual attorney or consultant. UCAN said it would renew its efforts to persuade the judge to order release of those details.

UCAN's Shames testified at a December 14 hearing of the Senate Energy and Public Utilities Committee. The subject of the hearing was SB 769, introduced by Committee Chair Senator Herschel Rosenthal, which would prohibit utilities from engaging in "sweetheart contracts" with affiliated or subsidiary companies. UCAN and the PUC staff have charged SCE with overcharging its customers for electricity purchased from its unregulated Mission Energy (cogeneration) subsidiary. State investigators have recommended that the PUC refund \$52 million to Edison customers. Shames testified that such self-dealing abuses by utilities cannot be effectively regulated by the PUC and that legislation is needed. Senator Rosenthal has suspended SB 769 to allow time for the PUC to address the problem of sweetheart contracts.

